

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Michael G. Boyd  
157 Engle Street  
Englewood, NJ 07631  
201-894-9800  
Attorney for Debtor

In Re:

Claudette Malapit

Case No.: 08-27522

Judge: Winfield

Chapter: 13

**CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO**

**CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**

**TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned chapter 13 proceeding hereby objects to the following (choose one):

1.  Motion for Relief from the Automatic Stay filed by Wells Fargo, creditor,

A hearing has been scheduled for November 9, 2009, at 9:00 a.m.

OR

Motion to Dismiss filed by the Standing Chapter 13 Trustee.

A hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_ m.

Certification of Default filed by \_\_\_\_\_, creditor,

I am requesting a hearing be scheduled on this matter.

OR

Certification of Default filed by Standing Chapter 13 Trustee

I am requesting a hearing be scheduled on this matter.

2. I am objecting to the above for the following reasons (**choose one**):

Payments have been made in the amount of \$ \_\_\_\_\_, but have not been accounted for. Documentation in support is attached hereto.

Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**): Debtor proposes resuming payments with November 2009. Debtor will make an additional 1/2 payment every month (\$329.21) to cure arrears.

Other (**explain your answer**): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. This certification is being made in an effort to resolve the issues raised by the creditor in its motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: 10/27/2009

/s/ Claudette Malapit  
Debtor's Signature

Date: \_\_\_\_\_

Debtor's Signature

**NOTE:**

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

**If this form is not filed the Motion or Certification of Default will be deemed uncontested and no hearing will be scheduled.**